

#### 14. *Optional Coverage for Fresh Fruit Quality Adjustment.*

(a) In the event of a conflict between the Apple Crop Insurance Provisions and this option, this option will control.

(b) In return for payment of the additional premium designated in the actuarial documents, this option provides for quality adjustment of fresh apple production as follows:

(1) To be eligible for this option, you must have elected to insure your apples at the additional coverage level. If you elect Catastrophic Risk Protection (CAT) after this option is effective, it will be considered as notice of cancellation of this option by you.

(2) You must elect this option on or before the sales closing date for the initial crop year for which you wish to insure your apples under this option. This option will continue in effect until canceled by either you or us for any succeeding crop year by written notice to the other party on or before the cancellation date.

(3) This option will apply to all your apple acreage designated in your acreage report as grown for fresh apples and that meets the insurability requirements specified in the Apple Crop Insurance Provisions, except any acreage specifically excluded by the actuarial documents. Any acreage designated in your acreage report as grown for processing apples is not eligible for coverage under this option.

(4) In lieu of sections 12(c)(1)(iii) and (iv) and (2), the production to count will include all appraised and harvested production for a unit's fresh apple acreage that grades at least U.S. No. 1 Processing, adjusted in accordance with this option.

(5) If appraised or harvested fresh apple production is damaged to the extent that 20 percent or more of the apples do not grade U.S. Fancy or better the following adjustments will apply:

(i) Fresh apple production to count with 21 percent through 40 percent damaged apple production will be reduced 2 percent for each full percent in excess of 20 percent.

(ii) Fresh apple production to count with 41 percent through 50 percent damaged apple production will be reduced 40 percent plus an additional 3 percent for each full percent in excess of 40 percent.

(iii) Fresh apple production to count with 51 percent through 64 percent damaged apple production will be reduced 70 percent plus an additional 2 percent for each full percent in excess of 50 percent.

(iv) Fresh apple production to count with 65 percent or more damaged apple

production will not be considered production to count.

(v) Notwithstanding sections 14(b)(i) through (iv), if you sell any of your fresh apple production as U.S. Fancy, all such sold production will be included as production to count under this option. The following is an example of loss under the Optional Coverage for Fresh Fruit Quality Adjustment:

You have 100 percent share and designated 10 acres of fresh apples and 5 acres of processing apples in the unit on the acreage report, with a 600 bushel per acre guarantee for both fresh and processing apples and a price election of \$9.10 per bushel for fresh apples and \$4.76 per bushel for processing apples. You harvest 5,000 bushels of apples from your designated fresh acreage that grade U.S. No. 1 Processing or better, but only 2,650 of those bushels grade U.S. Fancy or better. You also harvest from your designated processing acreage 1,000 bushels apples that grade U.S. No. 1 Processing or better. Your indemnity would be calculated as follows:

A. 10 acres × 600 bushels per acre = 6,000 bushels guarantee of fresh apples; 5 acres × 600 bushels per acre = 3,000 bushels guarantee of processing apples;

B. 6,000 bushels guarantee of fresh apples × \$9.10 price election = \$54,600.00 value of guarantee for fresh apples; acreage; 3,000 bushels guarantee of processing apples × \$4.76 price election = \$14,280.00 value of guarantee for processing apple acreage;

C. \$54,600.00 value of guarantee for fresh apple acreage + \$14,280.00 value of guarantee for processing apple acreage = \$68,880.00 total value of guarantee for all apple acreage;

D. The value of the fresh apple and processing apple production to count is determined as follows:

i. 5,000 bushels of apples that graded U.S. No. 1 or better – 2,650 bushels that graded U.S. Fancy = 2,350 bushels not grading U.S. Fancy;

ii. 2,350 / 5,000 = 47 percent of fresh apples that did not make U.S. Fancy grade;

iii. In accordance with section 14(b)(5)(ii): 47 percent – 40 percent = 7 percent in excess of 40 percent;

iv. 7 percent × 3 percent = 21 percent;

v. 40 percent + 21 percent = 61 percent;

vi. 5,000 bushels of apples that graded U.S. No. 1 or better × .61 (61 percent) = 3,050 bushels of fresh apple production to count;

vii. 3,050 bushels of fresh apples production to count × \$9.10 = \$27,755.00 value of the fresh apple production to count; 1,000 bushels of harvested marketable processing apple production to count × \$4.76 price

election = \$4,760.00 value of the processing apple production to count;

E. \$27,755.00 value of the fresh apple production to count + \$4,760.00 value of the processing apple production to count = \$32,515.00 total value of production to count;

F. \$68,880.00 total value of guarantee for all apple acreage – \$32,515.00 total value of production to count = \$36,365.00 value of loss; and

G. \$36,365.00 value of loss × 100 percent share = \$36,365.00 indemnity payment.

[End of Example]

Signed in Washington, DC, on August 24, 2004.

**Ross J. Davidson, Jr.,**

*Manager, Federal Crop Insurance Corporation.*

[FR Doc. 04–19596 Filed 8–24–04; 2:35 pm]

**BILLING CODE 3410–08–P**

## DEPARTMENT OF AGRICULTURE

### Rural Utilities Service

#### 7 CFR Parts 1724 and 1726

#### Correction of Electric Program Standard Contract Forms

**AGENCY:** Rural Utilities Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Rural Utilities Service (RUS), an agency delivering the United States Department of Agriculture's Rural Development Utilities Programs, is correcting its regulations relating to two RUS forms. RUS Form 211, Engineering Services Contract for the Design and Construction of a Generating Plant, and RUS Form 198, Equipment Contract, are being revised to correct two typographical errors and a numbering error, respectively.

**DATES:** Effective Date: September 27, 2004.

**FOR FURTHER INFORMATION CONTACT:** Mr. Fred J. Gatchell, Deputy Director, Electric Staff Division, Rural Utilities Service, U.S. Department of Agriculture, Stop 1569, 1400 Independence Ave., SW., Washington, DC 20250–1569. Telephone: (202) 720–1398. FAX: (202) 720–7491. E-mail: [fred.gatchell@usda.gov](mailto:fred.gatchell@usda.gov).

**SUPPLEMENTARY INFORMATION:** RUS has determined that pursuant to 5 U.S.C. 553, a notice of proposed rule making and opportunity for comment is impracticable, unnecessary, or contrary to the public interest and is exempt from the provisions of Executive Order Nos. 12866 and 12988. It has been

determined that the Regulatory Flexibility Act is not applicable to this rule since the Rural Utilities Service is not required by 5 U.S.C. 551 *et seq.* or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

### Background

On June 29, 1998, RUS revised 7 CFR 1724, Electric Engineering, Architectural Services and Design Policies and Procedures, which references RUS Form 211, Engineering Services Contract for the Design and Construction of a Generating Plant (63 FR 35312). A typographical error has been found in Article VI, Section 8 of this form. This rule updates the reference to the corrected form.

On February 13, 2004, RUS revised 7 CFR 1726, Electric System Construction Policies and Procedures, which references RUS Form 198, Equipment Contract (69 FR 7105). A typographical error has been found in Article II, Section 1 of this form. Also, a numbering error has been found in Article VI of this form. This rule updates the reference to the corrected form.

### List of Subjects

#### 7 CFR Part 1724

Electric power, Loan programs—energy, Reporting and recordkeeping requirements, Rural areas.

#### 7 CFR Part 1726

Electric power, Loan programs—energy, Reporting and recordkeeping requirements, Rural areas.

■ For reasons set forth in the preamble, RUS amends 7 CFR parts 1724 and 1726 as follows:

### PART 1724—ELECTRIC ENGINEERING, ARCHITECTURAL SERVICES AND DESIGN POLICIES AND PROCEDURES

■ 1. The authority citation for part 1724 continues to read as follows:

**Authority:** 7 U.S.C. 901 *et seq.*, 1921 *et seq.*, 6941 *et seq.*

#### Subpart F—RUS Contract Forms

■ 2. Amend § 1724.74 by revising paragraph (c)(1) to read as follows:

#### § 1724.74 List of electric program standard contract forms.

\* \* \* \* \*

(c) \* \* \*  
(1) RUS Form 211, Rev. 4–04, Engineering Service Contract for the Design and Construction of a Generating Plant. This form is used for engineering

services for generating plant construction.

\* \* \* \* \*

### PART 1726—ELECTRIC SYSTEM CONSTRUCTION POLICIES AND PROCEDURES

■ 3. The authority citation for part 1726 continues to read as follows:

**Authority:** 7 U.S.C. 901 *et seq.*, 1921 *et seq.*, 6941 *et seq.*

#### Subpart I—RUS Standard Forms

■ 4. Amend § 1726.304 by revising paragraph (c)(4) to read as follows:

#### § 1726.304 List of electric program standard contract forms.

\* \* \* \* \*

(c) \* \* \*

(4) RUS Form 198, Rev. 4–04, Equipment Contract. This form is used for equipment purchases.

\* \* \* \* \*

Dated: August 17, 2004.

Hilda Gay Legg,

Administrator, Rural Utilities Service.

[FR Doc. 04–19584 Filed 8–26–04; 8:45 am]

BILLING CODE 3410–15–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2004–17661; Airspace Docket No. 04–AAL–08]

#### Establishment of Class E Airspace; Shungnak, AK

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace at Shungnak, AK to provide adequate controlled airspace to contain aircraft executing two new Standard Instrument Approach Procedures (SIAP) and a new Textual Departure Procedure. This Rule results in new Class E airspace upward from 700 feet (ft.) and 1,200 feet above the surface at Shungnak, AK.

**DATES:** Effective 0901 UTC, November 25, 2004.

#### FOR FURTHER INFORMATION CONTACT:

Jesse Patterson, AAL–538G, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5898; fax: (907) 271–2850; e-mail: [Jesse.ctr.Patterson@faa.gov](mailto:Jesse.ctr.Patterson@faa.gov). Internet address: <http://www.alaska.faa.gov/at>.

### SUPPLEMENTARY INFORMATION:

#### History

On Wednesday, June 9, 2004, the FAA proposed to revise part 71 of the Federal Aviation Regulations (14 CFR part 71) to create new Class E airspace upward from 700 ft. and 1,200 ft. above the surface at Shungnak, AK (69 FR 32289). The action was proposed in order to add Class E airspace sufficient in size to contain aircraft while executing two new Standard Instrument Approach Procedures and a new Textual Departure Procedure for the Shungnak Airport. In addition to the Textual Departure Procedure, the new approaches are Area Navigation-Global Positioning System (RNAV GPS) Runway (RWY) 9, original and (2) RNAV (GPS) Runway 27, original. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No public comments have been received, thus, the rule is adopted as proposed.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as 700/1200 foot transition areas are published in paragraph 6005 of FAA Order 7400.9L, *Airspace Designations and Reporting Points*, dated September 2, 2003, and effective September 16, 2003, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be revoked and revised subsequently in the Order.

#### The Rule

This revision to 14 CFR part 71 establishes Class E airspace at Shungnak, Alaska. This additional Class E airspace was created to accommodate aircraft executing two new SIAPs and a textual departure procedure and will be depicted on aeronautical charts for pilot reference. The intended effect of this rule is to provide adequate controlled airspace for IFR operations at Shungnak Airport, Shungnak, Alaska.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated